

FAA-2002-11977-1

182088



## OFFICE OF REGIONAL COUNSEL

Eastern Region, AEA-7

One Aviation Plaza

Jamaica, NY 11434

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FAX  
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SHEET

02 JUL 31 PM

DEPT OF TRANSPORTATION

TODAY'S DATE:

4-18-02

TO:

Hearing Docket

FIRM:

PHONE NUMBER:

FAX NUMBER:

SENDER:

Christian Lewerenz

PHONE NUMBER:

718

FAX:

553-3273

TYPE OF DOCUMENT:

NOTE:

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Page(s):

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U.S. Department  
of Transportation

Federal Aviation  
Administration

Eastern Region  
Regional Counsel  
Telephone: 718 553-3273  
Facsimile: 718 995-5699

1 Aviation Plaza  
Room 561  
Jamaica, NY 11434

APR 18 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hearing Docket

Federal Aviation Administration

800 Independence Avenue, S.W.

Room 926A, AGC-10

Washington, D.C. 20591

ATTN: HEARING DOCKET CLERK

Re: In the Matter of United Air Lines, Inc.  
Docket No. 2001EA170001

Enclosed herein please find a copy of a request for hearing and the original and one copy of the FAA's Complaint in the above-entitled action for filing, together with \_\_\_\_\_ proof of service upon the Respondent.

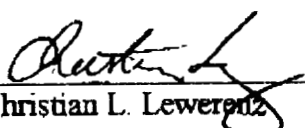
The FAA requests that the hearing in this matter be held in the Philadelphia, Pennsylvania area, and expects that the hearing will last one day.

Please address all communications for the Federal Aviation Administration to the attention of Christian L. Lewerenz, Office of the Regional Counsel, 1 Aviation Plaza Room 561 Jamaica, NY 11434.

Sincerely,

Loretta E. Alkalay  
Regional Counsel

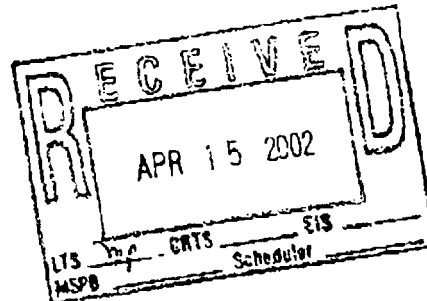
By:

  
Christian L. Lewerenz  
Attorney

Enclosures

**UNITED**Vania Montero Wit  
CounselDirect Line: (847) 700-1084  
Fax: (847) 700-4883  
E-mail: vania.m.wit@ua.com**BY FEDERAL EXPRESS 2<sup>nd</sup> DAY**

April 8, 2002

Hearing Docket Clerk  
Hearing Docket  
Federal Aviation Administration  
800 Independence Ave., S.W., Room 924 A  
Washington, D.C., 20591Re: FAA Case No. 2001EA170001

Attention Hearing Docket Clerk

United hereby submits a request for a formal hearing in the above-captioned case. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vania Montero Wit".

Vania Montero Wit  
Attorney  
United Airlines, WHQLO  
P.O. Box 66100  
Chicago, IL 60666cc: Christian L. Lewerenz, Esq.  
Federal Aviation Administration - Eastern Region  
Regional Counsel's Office  
1 Aviation Plaza, Room 561  
Jamaica, NY 11434

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
OFFICE OF HEARINGS  
WASHINGTON, D.C.

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In the Matter of United Air Lines, Inc.

2001EA170001  
Judge Not Assigned

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COMPLAINT

The Federal Aviation Administration (FAA), by counsel, hereby files its Complaint, pursuant to Rule 208 of the Rules of Practice (14 C.F.R. 13.208), and states as follows:

I

Respondent, United Air Lines, Inc., was advised through a Final Notice of Proposed Civil Penalty that the FAA proposed to assess a civil penalty in the amount of \$22,000. On April 15, 2002, Respondent submitted a written demand for a hearing.

II

1. United Air Lines, Inc. is the holder of Air Carrier Certificate No. UALA011A.
2. On or about October 9, 2000, a United Airlines Boeing 737-522 aircraft, identification number N936UA, experienced a landing gear position and warning lights discrepancy while being operated on a revenue flight into Philadelphia International Airport.
3. The crew thereafter recorded this discrepancy in the maintenance record of the aircraft described above.
4. United Airlines thereafter deferred the landing gear position and warning light discrepancy for later maintenance and entered this deferral into the maintenance record for the aircraft described above.

5. United Airlines, at all times relevant herein, used an approved Minimum Equipment List as authorized by its Operations Specifications.
6. Under the provisions of its Minimum Equipment List, United Airlines cannot defer "extension and retraction, landing gear warning (green) lights".
7. On or about October 9, 2000, United Airlines operated the aircraft described above into Denver Airport and again the aircraft experienced a landing gear position and warning light discrepancy.
8. As a result, United Airlines operated an aircraft in a revenue flight in violation of its operations specifications.
9. As a result, United Airlines operated an aircraft although that aircraft was not in an airworthy condition and did not meet the applicable airworthiness requirements, including those relating to identification and equipment.

### III

By reason of the foregoing facts and circumstances, Respondent violated the  
following section(s) of the Federal Aviation Regulations.

1. Section 119.5(l), which states that no person may operate an aircraft under this part, part 121 of this chapter, or part 135 of this chapter in violation of an air carrier operating certificate, operating certificate, or appropriate operations specifications issued under this part.
2. Section 121.153(a)(2), which states that no certificate holder may operate an aircraft unless that aircraft is in an airworthy condition and

meets the applicable airworthiness requirements, including those relating to identification and equipment.

3. Section 121.363(a)(2), which states that each certificate holder is primarily responsible for the performance of the maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, appliances, emergency ~~equipment, and parts thereof, in accordance with its manual and the~~ regulations of this chapter.

#### IV

- 1 Pursuant to 49 U.S.C. §46301(a)(2), Respondent is subject to a civil penalty not to exceed \$11,000 for each of the violations alleged.

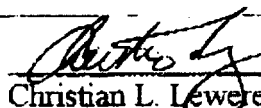
2. Under the facts and circumstances of this case, a civil penalty of \$22,000 is appropriate.

WHEREFORE, the FAA, by counsel, respectfully requests that the Administrative Law Judge enter an order that Respondent be assessed a civil penalty in the amount of \$22,000.

Respectfully submitted,

Loretta E. Alkalay  
Regional Counsel

By:

  
Christian L. Lewerenz  
Attorney

Federal Aviation Administration  
1 Aviation Plaza  
Room 561  
Jamaica, NY 11434  
718 553-3273  
718-995-5699

**NOTE:**

The Rules of Practice for this proceeding are set forth in Part 13, Subpart G, of the Federal Aviation Regulations (14 C.F.R. Part 13).

The Rules of Practice provide that Respondent must file a written answer to this Complaint, or a written Motion to Dismiss if appropriate, not later than 30 days after the date shown on the Certificate of Service. A general denial is deemed a failure to file an answer (Section 13.209(e)).

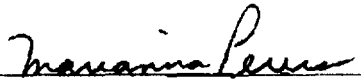
CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complaint has been placed this date in the United States mail, postage prepaid, by Certified Mail - Return Receipt Requested addressed as follows:

Vania Montero Wit, Esq.  
United Airlines, Inc.  
P.O. Box 66100  
Chicago, IL 60666

Hearing Docket (Original and one copy)  
Federal Aviation Administration  
800 Independence Avenue, SW  
Room 926A, AGC-10  
Washington, DC 20591

Date: APR 18 2002

  
Marianna Perero  
Paralegal Specialist  
Federal Aviation Administration  
Office of Regional Counsel  
1 Aviation Plaza  
Room 561  
Jamaica, NY 11434



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
OFFICE OF HEARINGS  
WASHINGTON, D.C.

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In the Matter of United Air Lines, Inc.

2001EA170001  
Judge Not Assigned

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NOTICE OF APPEARANCE

Complainant, Federal Aviation Administration, hereby notifies the United States Department of Transportation, Office of Hearings, and the Respondent, pursuant to 14 C.F.R. §13.204(b), that it shall be represented in the above-stated action by the following attorney:

Christian L. Lewerenz  
Federal Aviation Administration  
Office of Regional Counsel  
1 Aviation Plaza  
Room 561  
Jamaica, NY 11434  
Telephone: 718 553-3273  
Facsimile: 718 995-5699

All communications, notices, pleadings or documents are respectfully requested to be forwarded as follows:

Christian L. Lewerenz  
Federal Aviation Administration  
Office of Regional Counsel  
1 Aviation Plaza  
Room 561

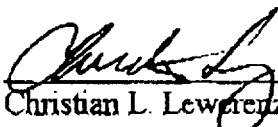
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Jamaica, NY 11434  
Telephone: 718 553-3273  
Facsimile: 718 995-5699

Respectfully submitted,

Loretta E. Alkalay  
Regional Counsel

By:

  
Christian L. Lewerenz  
Attorney

Dated: April 17, 2002

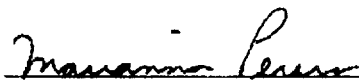
CERTIFICATE OF SERVICE

I hereby certify that on this day copies of the foregoing Notice of Appearance were placed in the United States mail, postage prepaid, Certified Mail - Return Receipt Requested addressed as follows:

Vania Montero Wit, Esq.  
United Airlines, Inc.  
P.O. Box 66100  
Chicago, IL 60666

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Date: APR 18 2002

  
Marianna Perero  
Paralegal Specialist  
Office of Regional Counsel  
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